IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

SECOND APPEAL NO.22 OF 2007
along with
Civil Application No.2093 of 2005

Bal Shankar Pilke, .. Appellant.

Vs

1. Sharad Shankar Chavan and ors .. Respondents.

Mr Nilesh Bhutekar i/b Mr Uday Warunjikar, for the appellant.

Mr S.B.Deshmukh, for respondent nos 1 to 3.

CORAM : **D.B.BHOSALE,J.**
DATE : 26/02/2007
PC:

1. Heard the learned counsel for the parties.

2. This second appeal arises from the concurrent judgments of the courts below, by which a suit filed by the appellant seeking declaration that his tenancy rights were not extinguished though he was forced to vacate the suit premises by notice under section 13(1)(hhh) of the Bombay Rents, Hotel and Lodging House Rates (Control) Act,1947 (for short, "Bombay Rent Act"). Mr Warunjikar, learned counsel for the appellant, submitted that the question whether the tenancy was terminated under section 13(1)(hhh) or 13(1)(hh) of the Bombay Rent Act, is involved in the present appeal. It

appears that in the earlier round of litigation where the notice under section 13(1)(hhh) of the Bombay Rent Act was challenged by the petitioner, it had reached the Supreme Court and the appellant lost in all the courts. I am informed that in Writ Petition No.227 of 1998 a constitutional validity of section 13(1)(hhh) was also challenged and that writ petition was dismissed. Keeping that all in view and considering that the courts below have considered the very same question in proper perspective and for the reasons recorded in paragraphs 9 to 12 by the appellate court, I am not inclined to interfere in the present appeal. That apart, the appellant, after he lost the first round of litigation, vacated the suit premises on 25th March, 1999. In the circumstances, the second appeal is dismissed. As a consequence thereof, the civil application for interim relief stands rejected.

(D.B.BHOSALE,J.)